

1 ROBERT J. O'CONNOR, ESQ.
2 DAVID G. BANES, ESQ.
3 O'CONNOR BERMAN DOTTS & BANES
4 Second Floor, Nauru Building
5 P.O. Box 501969
6 Saipan, MP 96950
7 Telephone No. (670) 234-5684
8 Facsimile No. (670) 234-5683
9 *Attorneys For Defendant United Micronesia Development Association, Inc.*

7 DANIEL BENJAMIN, ESQ.
8 CALVO & CLARK, LLP
9 1st Floor, Macaranas Building
10 PMB 951 Box 10001
11 Saipan, MP 96950
12 Telephone No. (670) 233-2045
13 Facsimile No. (670) 233-2776
14 *Attorneys For Defendant United Micronesia Development Association, Inc.*

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE
15 NORTHERN MARIANA ISLANDS

15 LARAMIE FEALTY, LLC, Trustee of GET
16 REALTY TRUST,

17 Plaintiffs,

18 vs.

19 UNITED MICRONESIA DEVELOPMENT
20 ASSOCIATION, INC., AND DOES I-XX,

21 Defendants.

CIVIL ACTION NO. 08-0028

**DECLARATION OF DAVID G. BANES IN
SUPPORT OF DEFENDANT'S MOTION
TO DISMISS OR, IN THE
ALTERNATIVE, TO STAY**

Hearing Date: July 31, 2008
Time: 10:00 a.m.

1 I, David Banes, hereby declare and state as follows:

2 I am a partner at O'Connor Berman Dotts & Banes, counsel of record for Defendant
3 United Micronesia Development Association, Inc. ("UMDA") in the above captioned matter. I
4 make this declaration based on personal knowledge, and, if called as a witness, I could and would
5 testify competently hereto.

6 1. Attached hereto as **EXHIBIT A** is a true and correct copy of a letter from Colin M.
7 Thompson to Robert O'Connor and Rodney Jacob dated May 27, 2008.

8 2. Attached hereto as **EXHIBIT B** is a true and correct copy of selected pages from
9 the deposition transcript of Thomas C. Sorenson as the 30(b)(6) designee of KCT Irrevocable
10 Trust taken on May 16, 2008 in Lakeland, Florida.

11 3. Attached hereto as **EXHIBIT C** is a true and correct copy of selected pages from
12 the transcript of proceedings held on February 19, 2008 in *UMDA, et al. v. Pfaff et. al.*, Superior
13 Court Civil Case No. 07-0152.

14 4. Attached hereto as **EXHIBIT D** is a true and correct copy of the corporate
15 information for Laramie Fealty, LLC obtained from the State of Wyoming's Secretary of State
16 website at <http://soswy.state.wy.us/>.

17 5. Attached hereto as **EXHIBIT E** is a true and correct copy of Defendant GET
18 Realty Trusts' Response to Plaintiffs' Joint Request for Production of Documents dated
19 November 19, 2006 in the case of *UMDA, et al. v. Pfaff et. al.*, Superior Court Civil Case No. 07-
20 0152.

21 6. Attached hereto as **EXHIBIT F** is a true and correct copy of the LexisNexis File &
22 Serve Transaction Receipt for the service of Motion for Sanctions Against John Pierce and Colin
23 Thompson Pursuant to Com. R. Civ. Pro. 11 in the case of *UMDA, et al. v. Pfaff et. al.*, Superior
24 Court Civil Case No. 07-0152.

25 7. Attached hereto as **EXHIBIT G** is a true and correct copy of the Notice of Motion
26 and Motion for Sanctions Against John Pierce and Colin Thompson Pursuant to Com. R. Civ.
27
28

1 Proc. 11 served on Colin Thompson and John Pierce in the case of *UMDA, et al. v. Pfaff et. al.*,
2 Superior Court Civil Case No. 07-0152.

3 8. Attached hereto as **EXHIBIT H** is a true and correct copy of an email
4 correspondence from Colin Thompson to Alex Freeman dated June 18, 2008 (PST).

5 9. Attached hereto as **EXHIBIT I** is a true and correct copy of a slip opinion in
6 *Markoff v. Johnson*, Civil Action No. 05-0035 slip op. (D. N.M.I., April 20, 2006) (Munson, J.).

7 10. Attached hereto as **EXHIBIT J** is a true and correct copy of an email string
8 correspondence between Raymond McCall (rdm@irizmcc.com), Paul Dingee
9 (dingepc@charter.net) and John Larson (denver_4104@yahoo.com) dated May 15 2007. This
10 document was produced by Defendant Paul Dingee on March 22, 2008 in the case of *UMDA, et*
11 *al. v. Pfaff et. al.*, Superior Court Civil Case No. 07-0152.

12 I declare under penalty of perjury under the laws of the Commonwealth of the Northern
13 Mariana Islands and of the United States of America that the foregoing is true and correct and that
14 this Declaration was executed on the 2nd day of July, 2008, in Saipan, Commonwealth of the
15 Northern Mariana Islands.

16
17 
18 _____
19 DAVID G. BANES
20
21
22
23
24
25
26
27
28